

PATENTS

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

APPLICANTS: Dieberger et al.

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**FOR: METHOD AND APPARATUS FOR REMOTELY CONFIGURING AND  
DISPLAYING INFORMATION**

**Mail Stop Appeal Brief-Patents**

Commissioner for Patents

P.O. Box 1450

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**REPLY BRIEF**

In response to the Examiner's Answer dated June 10, 2010, Appellants submit this Reply Brief.

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**1. Real Party in Interest**

The real party in interest is International Business Machines Corporation, the assignee of the entire right, title, and interest in and to the subject application by virtue of an assignment of record.

**2. Related Appeals and Interferences**

(None)

**3. Status of Claims**

Claims 1-6, 8-16 and 18-20 are pending, stand rejected and are under appeal. The claims are set forth in the attached Appendix. Claims 1, 14, and 20 are the independent claims. Claims 7, 17 and 21 have been canceled.

**4. Status of Amendments**

No After Final Amendments have been filed.

## **5. Summary of Claimed Subject Matter**

In general, the claimed inventions are directed to a multiprotocol cache service and a method for accessing a multiprotocol cache service. Referring more particularly to Claims 1, 14 and 20:

### **Claim 1 recites:**

A computer readable medium embodying instructions executable by a processor to perform a method for displaying content on a display device (**see for example, page 7, line 16 to page 8, line 4**):

retrieving a plurality of rules, each rule associated with controlling the display of content, wherein the content is provided by a content provider (**see for example, page 16, lines 8-13**);

updating a plurality of device parameters, wherein at least one device parameter is updated in response to detecting of one of a radio frequency identification tag and an infrared tag (**see for example, page 15, lines 9-10**);

triggering at least two rules of the plurality of rules satisfied by the plurality of device parameters (**see for example, page 11, lines 11-15**);

executing the at least two satisfied rules in response to the detection of the radio frequency identification tag or the infrared tag be detected (**see for example, page 15, lines 10-12**);

displaying a first portion of the content according to a first satisfied rule of the two triggered rules (**see for example, page 15, line 12**);

preventing the display of a second portion of the content according to a second satisfied rule of the two triggered rules, wherein the second satisfied rule overrides all other rules for the

display of the second portion of the content (**see for example, page 17, lines 9-15**); and

determining a fee according to the first rule of the triggered rules, wherein the content provider is charged the fee (**see for example, page 17, line 16 to page 18, line 2**).

**Claim 14 recites:**

A computer readable medium embodying instructions executable by a processor to perform a method for displaying content on a mobile display device (**see for example, page 7, line 16 to page 8, line 4**):

retrieving a plurality of rules stored in the mobile display device from a rule server (**see for example, page 16, lines 8-13**);

determining a value for each of a plurality of device parameters (**see for example, page 15, lines 14-15**);

executing each rule satisfied by the device parameters, wherein the execution is in response to detecting at least one of a radio frequency identification tag and an infrared tag (**see for example, page 15, lines 10-12**);

displaying content according to each satisfied rule (**see for example, page 15, line 12**), wherein a first satisfied rule specifies that the radio frequency identification tag or the infrared tag be detected (**see for example, page 10, line 19 to page 11, line 5**) and a second satisfied rule specifies a certain demographic determined based on a product associated with the radio frequency identification tag or the infrared tag (**see for example, page 19, lines 1-3**); and

determining a variable monetary charge based on the content displayed and a combination of values associated with each of the satisfied rules which triggered the display of the content, wherein different rules having different values (**see for example, page 13, lines 2-**

10).

**Claim 20 recites:**

A program storage device readable by machine, tangibly embodying a program of instructions executable by the machine to perform method steps for displaying content on a display device (**see for example, page 7, line 16 to page 8, line 4**), the method steps comprising:

retrieving a plurality of rules for the display of content, wherein the content is provided by a content provider (**see for example, page 16, lines 8-13**);

updating a plurality of device parameters, wherein at least one device parameter is updated in response to detecting of one of a radio frequency identification tag and an infrared tag provided to at least one spectator (**see for example, page 15, lines 9-10**);

determining a rule trigger for triggering at least one rule of the plurality of rules according to the plurality of device parameters (**see for example, page 11, lines 11-15**);

executing a triggered rule for causing the display of the content on the display device, wherein the triggered rule specifies that the spectator be detected, wherein the spectator is detected by a receiver which detects the radio frequency identification tag or the infrared tag provided to the spectator (**see for example, page 15, lines 10-12**); and

determining a variable fee according to at least one device parameter upon executing the triggered rule for the display of content (**see for example, page 17, line 16 to page 18, line 2**), wherein the content provider is charged the variable fee, wherein the method step of determining a fee further comprises

determining a value for each of the device parameters (**see for example, page 15, lines 14-15**),

determining at least one device parameter satisfying the triggered rule (**see for example, page 11, lines 12-15**), and

determining the variable fee dynamically for each display of the content according to a combined value of the device parameters currently satisfying the triggered rule (**see for example, page 13, lines 2-10**).

**6. Grounds of Rejection to be Reviewed on Appeal**

A. Claims 1-6, 8-16 and 18-20 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Boyd (USPN 6,484,148).



7. **Argument**

A. **The Claim Rejections Under 35 U.S.C. §103**

i. Claims 1-7, 10-11, and 13-18

Claims 1-6, 8-16 and 18-20 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Boyd (USPN 6,484,148). The Examiner stated essentially that Boyd teaches or suggests all the limitations of Claims 1-6, 8-16 and 18-20.

Claims 1, 14, and 20 are the independent claims.

Referring to Claim 1; Claim 1 claims, *inter alia*, “preventing the display of a second portion of the content according to a second satisfied rule of the two triggered rules, wherein the second satisfied rule overrides all other rules for the display of the second portion of the content.”

The present rejection (of Claim 1) may be summarized using the Examiner’s remarks in the Advisory Action; “The applicant argues that Boyd does not teach conditions for determining whether to prevent the display of content. The examiner has already state [*sic*] that Boyd does not specifically state that rules are used for preventing the display of a second portion of content, but that Boyd does teach allowing advertisers to place condition [*sic*] on when an ad is displayed and thus when an ad is not to be displayed.”

Respectfully, Boyd teaches using conditions for determining whether to display content (see column 13, lines 22-28). Boyd does not teach “preventing the display of a second portion of the content according to a second satisfied rule of the two triggered rules” as claimed in Claim 1. Boyd exclusively teaches using conditions for determining whether to display content. There is no teachings or suggestion of conditions for determining whether to prevent the display content.

According to the claim, a second portion of the content is prevented from being displayed “according to a second satisfied rule of the two triggered rules, wherein the second satisfied rule overrides all other rules for the display of the second portion of the content.” In this context, consider an exemplary case wherein an ad for a prescription medication, which has been triggered for display based on some parameter, is blocked from being displayed by a second rule that prevents the display in the vicinity of a grade school. Boyd only teaches rules for display of content, and therefore, lacks a method for preventing the display of a triggered rule on the basis of an overriding second rule. Therefore, Boyd fails to teach all the limitations of Claim 1.

Referring now to Claim 14; Claim 14 claims, *inter alia*, “determining a variable monetary charge based on the content displayed and a combination of values associated with each of the satisfied rules which triggered the display of the content, wherein different rules having different values.”

Boyd teaches a ranking function to determine an optimal ad to display to two or more persons, wherein the optimal ad is determined by the advertising fees generated by displaying the advertisements and/or the strength of the match between the advertisement profile and the consumer profiles (see col. 8, lines 46-51). Boyd does not teach “determining a variable monetary charge based on the content displayed and a combination of values associated with each of the satisfied rules which triggered the display of the content, wherein different rules having different values” as claimed in Claim 14. Boyd links fees only with the ads themselves – the fees have no connection with the described rank. That is, fees do not vary based on higher or lower ranks. In the claimed invention, the variable monetary charge is based on the content displayed and a value associated with each of the satisfied rules, which triggered the display of

the content. Boyd's rank is a measure used in selecting content; a rank is not a rule that may be satisfied. Therefore, Boyd's rank is not analogous to the claimed rule capable of being satisfied. For at least the forgoing reasons, Boyd fails to teach all the limitations of Claim 14.

Referring to Claim 20; Claim 20 claims, *inter alia*, “determining the variable fee dynamically for each display of the content according to a combined value of the device parameters currently satisfying the triggered rule.”

Boyd teaches simultaneously receiving multiple signals and providing targeted advertisements based on the signal having the most attractive consumer profile, creating a composite profile based on a cross-section of multiple consumer profiles retrieved simultaneously, and performing a ranking function to determine the optimal ad to display to two or more persons (see col. 8, lines 23-65). Boyd fails to teach or suggest “determining the variable fee dynamically for each display of the content according to a combined value of the device parameters currently satisfying the triggered rule” as claimed in Claim 20. Claim 20, when taken as a whole, requires at least two device parameters currently satisfying the triggered rule. Boyd fails to teach or suggest such a combined value. Boyd selects an single ad to display on the basis of advertising fees and/or the strength of a match. Since one fee is associated with each ad (see col. 8, lines 45-51) there is no basis for a variable fee based on a combination of parameters, essentially as claimed.

At pages 11 and 12 of the Final Office Action, the Examiner interprets Boyd (col. 8, lines 23-65) as suggesting a variable charge based on rank. As described above, only one rank is associated with any one ad according to Boyd. Therefore, Boyd fails to teach all the limitations of Claim 20.

a. Reply to Examiner's Answer

Referring to Claim 1, the Answer includes a detailed analysis of the ability of an advertiser to craft their own rules. The Examiner states at page 17 that the “claims make an assumption than [*sic*] an advertiser will submit a rule that when satisfied can result in the prevention of the display of the ad (content).” Respectfully, the Examiner’s rationale is based on a flawed interpretation of the claims and fails to consider the entirety of the claimed limitations.

Consider that the claims require that the “second satisfied rule of the two triggered rules, wherein the second satisfied rule overrides all other rules for the display of the second portion of the content.” The Examiner’s interpretation is based only on a rule which is written in a logically negative format, for example, “an advertiser elects to write the rule in a negative fashion such as do not display ads... thus resulting in display of the advertisement only during the winter months.” The interpretation is fatally flawed; the interpretation gives no weight to the limitation requiring that override of all other rule for the display of the second portion. The rejection simply does not address the claimed override feature.

In view of the foregoing, a negative rule as described by the Examiner is simply a rule written in a logically negative format. Such a rule is not analogous to a rule for overriding the display of content.

In view of the foregoing, the above arguments are based on two points: 1) there is no teaching or suggestion of an override of another rule and 2) the analysis put forward in the rejection fails to make out a *prima facie* case of obviousness as it fails to address entirety of the claimed language.

Referring to Claim 14, the Answer relies on an interpretation of Boyd in which “there must be some variability in the fees charged for the various advertisements in association with the strength of the match.” The Examiner’s interpretation, couched in terms of “common sense,” suggests that it is implied that fees vary by ranking. The interpretation is incorrect.

Respectfully, Boyd links fees only with the ads themselves – the fees have no connection with the described rank. Boyd teaches that different ads have different fees associated with them. Thus, a ranking based on advertising fees is a comparison between fees associated with respective advertisements. There is no teaching or suggestion, much less implied requirement, that fees vary based on ranking. In view of the foregoing, the motivation to link fees and ranking to achieve variable fees as relied on in the Examiner’s Answer is not present in Boyd.

Referring to Claim 20, the discussion of Claim 14 applies to Claim 20.

Moreover, Claim 20, when taken as a whole, requires at least two device parameters currently satisfying the triggered rule. Claim 20 specifically claims, *inter alia*, “determining the variable fee dynamically for each display of the content according to a combined value of the device parameters currently satisfying the triggered rule.”

The rejection fails to address the claimed limitation of two device parameters currently satisfying the triggered rule. Therefore, the rejection fails to make out a *prima facie* case of obviousness.

Consider that the rejection does not address a rule triggered by two device parameters. Indeed, Boyd fails to teach or suggest such a combined value. Boyd selects a single ad to display on the basis of advertising fees and/or the strength of a match between an advertiser’s profile and a consumer profile. More specifically, Boyd teaches that given 5 consumers having profiles, a

trait shared by the most consumers (e.g., 3 out of 5) will be the sole basis for selecting an advertisement (see col. 8, lines 35-45). That is, a single trait results in the selection of an advertisement. Thus, even while the rejection fails to address each limitation, there is no basis in the cited reference for a variable fee based on a combination of device parameters, essentially as claimed. With respect to the variable fee, the discussion of Claim 14 is applicable here.

Claims 2-6 and 8-13 depend from Claim 1. Claims 15, 16, 18, and 19 depend from Claim 14. The dependent claims are believed to be allowable for at least the reasons given for Claims 1 and 14. Withdrawal of the rejection is respectfully requested.

**B. Conclusion**

In view of the foregoing, it is respectfully requested that the Board overrule the rejections of Claims 1-6, 8-16 and 18-20.

Respectfully Submitted,

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## **8. CLAIMS APPENDIX**

1. (Rejected) A computer readable medium embodying instructions executable by a processor to perform a method for displaying content on a display device:

retrieving a plurality of rules, each rule associated with controlling the display of content, wherein the content is provided by a content provider;

updating a plurality of device parameters, wherein at least one device parameter is updated in response to detecting of one of a radio frequency identification tag and an infrared tag;

triggering at least two rules of the plurality of rules satisfied by the plurality of device parameters;

executing the at least two satisfied rules in response to the detection of the radio frequency identification tag or the infrared tag be detected;

displaying a first portion of the content according to a first satisfied rule of the two triggered rules;

preventing the display of a second portion of the content according to a second satisfied rule of the two triggered rules, wherein the second satisfied rule overrides all other rules for the display of the second portion of the content; and

determining a fee according to the first rule of the triggered rules, wherein the content provider is charged the fee.

2. (Rejected) The method of claim 1, wherein at least one rule is defined by the content provider to dynamically control the display of the content according to the device parameters.



3. (Rejected) The method of claim 1, wherein the step of executing the at least one triggered rule further comprises the step of receiving a rule trigger from one of a location handler and a signal handler.

4. (Rejected) The method of claim 3, wherein the step of receiving a rule trigger from the location handler further comprises the step of updating a positional parameter.

5. (Rejected) The method of claim 3, wherein the step of receiving a rule trigger from the signal handler further comprises the steps of:

- interpreting an input signal; and
- generating a programmatic event flag.

6. (Rejected) The method of claim 5, wherein the step of generating a programmatic event flag further comprises the step of generating one of a reply signal and the rule trigger.

7. (Canceled)

8. (Rejected) The method of claim 1, wherein the step of determining a fee further comprises the steps of:

- determining a value for each of the device parameters;
- determining at least one device parameter satisfying the triggered rule; and
- determining the fee according to value of the device parameters satisfying the triggered rule.

9. (Rejected) The method of claim 8, further comprising the step of charging the fee to a client providing content to be displayed.

10. (Rejected) The method of claim 8, further comprising the step of apportioning the fee between a service provider and a third party carrier of the display device.

11. (Rejected) The method of claim 8, further comprising the step of apportioning the fee between an owner of the device and a third party carrier of the display device.

12. (Rejected) The method of claim 8, further comprising the step of apportioning the fee between a plurality of owners of a plurality of devices, wherein the devices act as a composite device.

13. (Rejected) The method of claim 1, wherein the fee is charged to a user for the use of the display.

14. (Rejected) A computer readable medium embodying instructions executable by a processor to perform a method for displaying content on a mobile display device:

retrieving a plurality of rules stored in the mobile display device from a rule server;

determining a value for each of a plurality of device parameters;

executing each rule satisfied by the device parameters, wherein the execution is in response to detecting at least one of a radio frequency identification tag and an infrared tag;

displaying content according to each satisfied rule, wherein a first satisfied rule specifies that the radio frequency identification tag or the infrared tag be detected and a second satisfied rule specifies a certain demographic determined based on a product associated with the radio frequency identification tag or the infrared tag; and

determining a variable monetary charge based on the content displayed and a combination of values associated with each of the satisfied rules which triggered the display of the content, wherein different rules having different values.

15. (Rejected) The method of claim 14, wherein at least one rule is defined by a content provider to dynamically control the display of the content according to the device parameters.

16. (Rejected) The method of claim 14, further comprising;

receiving a rule trigger from a location handler; and

updating a positional parameter upon receiving the rule trigger from the location handler.

17. (Canceled)

18. (Rejected) The method of claim 14, further comprising:

receiving a rule trigger from a signal handler;

interpreting an input signal; and

generating a programmatic event flag upon receiving the rule trigger from the signal handler.

19. (Rejected) The method of claim 18, wherein the step of generating a programmatic event flag further comprises the step of generating a reply signal.

20. (Rejected) A program storage device readable by machine, tangibly embodying a program of instructions executable by the machine to perform method steps for displaying content on a display device, the method steps comprising:

- retrieving a plurality of rules for the display of content, wherein the content is provided by a content provider;

- updating a plurality of device parameters, wherein at least one device parameter is updated in response to detecting of one of a radio frequency identification tag and an infrared tag provided to at least one spectator;

- determining a rule trigger for triggering at least one rule of the plurality of rules according to the plurality of device parameters;

- executing a triggered rule for causing the display of the content on the display device, wherein the triggered rule specifies that the spectator be detected, wherein the spectator is detected by a receiver which detects the radio frequency identification tag or the infrared tag provided to the spectator; and

- determining a variable fee according to at least one device parameter upon executing the triggered rule for the display of content, wherein the content provider is charged the variable fee, wherein the method step of determining a fee further comprises

  - determining a value for each of the device parameters,

  - determining at least one device parameter satisfying the triggered rule, and

  - determining the variable fee dynamically for each display of the content according to a

combined value of the device parameters currently satisfying the triggered rule.

21. (Canceled)

9. **EVIDENCE APPENDIX**

(None)

10. **RELATED PROCEEDINGS APPENDIX**

(None)